

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS JOHNSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 05-527
	)	Judge Arthur J. Schwab/
PAUL STOWITZKY, Warden, and	)	Magistrate Judge Lisa Pupo
TOM CORBIN [sic] State	)	Lenihan
Attorney General, and the	)	
COMMONWEALTH OF PENNSYLVANIA,	)	
BOARD OF PROBATION AND PAROLE,	)	
	)	
Respondents	)	

**MEMORANDUM ORDER**

Petitioner, Nicholas Johnson, filed a habeas petition, attacking his state sentence. The Respondents filed their answer. The case was referred to Magistrate Judge Lisa Pupo Lenihan, who issued her report and recommendation on December 27, 2005(Doc. 8). The parties had until January 13, 2006 in which to file objections. No objections have been filed.

AND NOW, this 22<sup>nd</sup> day of February, upon de novo review of the report and recommendation, it is hereby ordered that the habeas petition is **DENIED** and a certificate of appealability is likewise **DENIED**. The report dated December 27, 2005 is adopted as the opinion of the Court.

February 22, 2006

—

s/Arthur J. Schwab

Arthur J. Schwab  
U.S. District Judge

cc: The Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

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